

PTO/SB/21 (02-04)

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FORM

(to be used for all correspondence after initial filing)

		Application Number	10/780,426
		Filing Date	February 17, 2004
		First Named Inventor	SIMONSON
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	10	Attorney Docket Number	5976-23-2

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> PTO/SB/08A&B; 2 References; and 1 Postcard.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael K. Dixon AKERMAN SENTERFITT
Signature	
Date	May 7, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

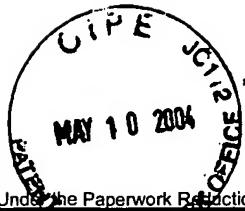
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Michael K. Dixon
Signature	
Date	May 7, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

**Complete if Known**

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Examiner Name	
Art Unit	
Attorney Docket No.	5976-23-2

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	50-0951
Deposit Account Name	AKERMAN SENTERFITT

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>		<b>(\$ 0.00)</b>	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	87	-20** =	X	=	Extra Claims	Fee from below	Fee Paid
Independent Claims	13	- 3** =	X	=			
Multiple Dependent							

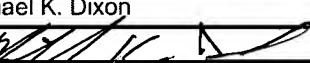
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$ 0.00)</b>

\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		<b>SUBTOTAL (3) (\$ 0.00)</b>	

**SUBMITTED BY** (Complete if applicable)

Name (Print/Type)	Michael K. Dixon	Registration No. (Attorney/Agent)	46,665	Telephone	561-653-5000
Signature			Date	May 7, 2004	

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: SIMONSON

Application No.: 10/780,426

Examiner:

Filed: February 17, 2004

Group Art Unit:

For: ARTIFICIAL FACET JOINT AND METHOD

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 7, 2004.

Michael K. Dixon

Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Date: May 7, 2004

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, Applicant hereby discloses information that may be relevant to the Examiner's consideration of the above-identified application and the patentability of its claims.

In accordance with Rules 56, 97, and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), Forms PTO/SB/08A&B with references cited therein are submitted for consideration by the Examiner. While the references provided in this Information Disclosure Statement may be material to patentability pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the

In re Application of: SIMONSON  
Application No.: 10/780,426  
Filed: February 17, 2004  
Group Art Unit:  
For: ARTIFICIAL FACET JOINT AND METHOD.

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filings of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. However, if any fee is due, the Commissioner is authorized to charge any such fee and any additional fees due or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,



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Michael K. Dixon, Reg. No. 46,665  
AKERMAN SENTERFITT  
222 Lakeview Avenue, Suite 400  
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West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000  
Facsimile: (561) 659-6313

Docket No. 5976-23-2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet 1

of 5

**Complete if Known**

Application Number	10/780,426
Filing Date	February 17, 2004
First Named Inventor	SIMONSON
Art Unit	
Examiner Name	

Attorney Docket Number 5976-23-2

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,219,575	11/23/1965	Chapman et al.	
		US- 3,242,922	03/29/1966	Thomas	
		US- 3,565,066	02/23/1971	Roaf	
		US- 4,269,178	05/26/1981	Keene	
		US- 4,272,401	06/09/1981	Mohan et al.	
		US- 4,361,141	11/30/1982	Tanner	
		US- 4,369,769	01/25/1983	Edwards	
		US- 4,369,770	01/25/1983	Bacal et al.	
		US- 4,382,438	05/10/1983	Jacobs	
		US- 4,386,603	06/07/1983	Mayfield	
		US- 4,404,967	09/20/1983	Bacal et al.	
		US- 4,409,968	10/18/1983	Drummond	
		US- 4,411,259	10/25/1983	Drummond	
		US- 4,419,026	12/06/1983	Leto	
		US- 4,422,451	12/27/1983	Kalamchi	
		US- 4,448,191	05/15/1984	Rodnyansky et al.	
		US- 4,567,884	02/04/1986	Edwards	
		US- 4,611,582	09/16/1986	Duff	
		US- 4,662,365	05/05/1987	Gotzen et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	10/780,426
		Filing Date	February 17, 2004
		First Named Inventor	SIMONSON
		Art Unit	
		Examiner Name	
Sheet 2 of 5		Attorney Docket Number 5976-23-2	

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
<i>Number-Kind Code<sup>2</sup> (if known)</i>					
		US- 4,773,402	09/27/1988	Asher et al.	
		US- 4,836,196	06/06/1989	Park et al.	
		US- 4,854,304	08/08/1989	Zielke	
		US- 4,887,595	12/19/1989	Heinig et al.	
		US- 4,887,596	12/19/1989	Sherman	
		US- 4,946,458	08/07/1990	Harms et al.	
		US- 4,950,269	08/21/1990	Gaines, Jr.	
		US- 4,987,892	01/29/1991	Krag et al.	
		US- 5,002,542	03/26/1991	Frigg	
		US- 5,005,562	04/09/1991	Cotrel	
		US- 5,024,213	06/18/1991	Asher et al.	
		US- 5,102,412	04/07/1992	Rogozinski	
		US- 5,127,912	07/07/1992	Ray et al.	
		US- 5,129,900	07/14/1992	Asher et al.	
		US- 5,133,717	07/28/1992	Chopin	
		US- 5,147,360	09/15/1992	Dubousset	
		US- 5,181,917	01/26/1993	Rogozinski	
		US- 5,209,752	05/11/1993	Ashman et al.	
		US- 5,246,442	09/21/1993	Ashman et al.	

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<i>Country Code<sup>3</sup>-Number<sup>4</sup>-Kind Code<sup>5</sup> (if known)</i>						

Examiner Signature	Date Considered
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**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 3

of 5

Application Number	10/780,426
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First Named Inventor	SIMONSON
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Attorney Docket Number 5976-23-2

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Number-Kind Code <sup>2</sup> (if known)					
		US- 5,257,993	11/02/1993	Asher et al.	
		US- 5,261,909	11/16/1993	Sutterlin et al.	
		US- 5,282,801	02/01/1994	Sherman	
		US- 5,282,901	02/01/1994	Reinhard	
		US- 5,312,404	05/17/1994	Asher et al.	
		US- 5,415,661	05/16/1995	Holmes	
		US- 5,437,669	08/01/1995	Yuan et al.	
		US- 5,437,670	08/01/1995	Sherman et al.	
		US- 5,474,551	12/12/1995	Finn et al.	
		US- 5,498,262	03/12/1996	Bryan	
		US- 5,549,608	08/27/1996	Errico et al.	
		US- 5,554,157	09/10/1996	Errico et al.	
		US- 5,562,662	10/08/1996	Brumfield et al.	
		US- 5,569,247	10/29/1996	Morrison	
		US- 5,571,191	11/05/1996	Fitz	
		US- 5,591,166	01/07/1997	Bernhardt et al.	
		US- 5,611,800	03/18/1997	Davis et al.	
		US- 5,672,175	09/30/1997	Martin	
		US- 5,693,053	12/02/1997	Estes	

**FOREIGN PATENT DOCUMENTS**

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet

4

of 5

Application Number	10/780,426
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First Named Inventor	SIMONSON
Art Unit	
Examiner Name	

Attorney Docket Number 5976-23-2

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		US- 5,716,357	02/10/1998	Rogozinski	
		US- 4,743,260	05/10/1988	Burton	
		US- 5,800,435	09/01/1998	Errico et al.	
		US- 5,876,459	03/02/1999	Powell	
		US- 5,891,145	04/06/1999	Morrison et al.	
		US- Re. 36,758	06/27/2000	Fitz	
		US- 6,183,473 B1	02/06/2001	Ashman	
		US- 6,210,413 B1	04/03/2001	Justis et al.	
		US- 6,248,105 B1	06/19/2001	Schlapfer et al.	
		US- 6,328,739 B1	12/11/2001	Liu et al.	
		US- 6,413,257 B1	07/02/2002	Lin et al.	
		US- 6,443,956 B1	09/03/2002	Ray	
		US- 2003/0004572 A1	01/02/2003	Goble et al.	
		US- 2003/0028250 A1	02/06/2003	Reiley et al.	
		US- 6,554,831 B1	04/29/2003	Rivard et al.	
		US- 6,565,565 B1	05/20/2003	Yuan et al.	
		US- 6,579,319 B2	06/17/2003	Goble et al.	
		US- 6,623,485 B2	09/23/2003	Doubler et al.	
		US- 6,648,887 B2	11/18/2003	Ashman	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document <small>Country Code<sup>3</sup>-Number<sup>4</sup>-Kind Code<sup>5</sup> (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		WO03/101350 A1	12/11/2003	Reiley et al.		

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Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	10/780,426
		Filing Date	February 17, 2004
		First Named Inventor	SIMONSON
		Art Unit	
		Examiner Name	
		Attorney Docket Number	5976-23-2
Sheet	5	of	5

**U. S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

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## NON-PATENT LITERATURE DOCUMENTS

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